

Issued December 17, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 668, FOOD AND DRUGS ACT.

ADULTERATION OF ICE CREAM CONES.

On or about June 11, 1910, the Star Wafer Company, Oklahoma City, Oklahoma, shipped from the State of Oklahoma to the State of Nebraska 150,000 (more or less) ice cream cones, the packages containing which being labeled "Ice Cream Cones. Star Wafer Co. Factories Oklahoma City, Birmingham, Jacksonville, Dallas, El Paso, Los Angeles. General Offices, Oklahoma City, Okla. Each cone sweetened with less than 1/60 grain of saccharin." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Nebraska.

In due course a libel was filed against the said 150,000 (more or less) ice cream cones in the District Court of the United States for said district, charging the above shipment and alleging that the product so shipped was adulterated, in that a certain substance, to wit, boric acid, had been mixed with and added to each of them so as to reduce and lower and injuriously affect their quality and strength, and in that each of said ice cream cones contained an added poisonous and deleterious ingredient, to wit, boric acid, which rendered such articles injurious to health, and praying seizure, condemnation, and confiscation of the product.

On September 15, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed to the above libel, the court being fully informed in the premises, issued its decree, finding the 185,600 ice cream cones seized in these proceedings to be adulterated as alleged in said libel, condemning the same, and ordering their destruction by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 1, 1910.

